

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2019 MAR 12 PM 3:27

TITUS JONES,

Plaintiff,

v.

SHAUNA POOLE and
LISA A. DOZIER,

Defendants.

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CLERK J. Hodge
SO. DIST. OF GA.

CV 118-206

O R D E R

Before the Court is Defendant Shunya Poole's¹ motion to stay (Doc. 19) pending resolution of her motions to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(5) and 12(b)(6). (Docs. 4, 5, 18.) Defendant Poole requests a stay to avoid unnecessarily responding to Plaintiff's filings if dismissal is ultimately granted.

It is well settled that a district court has "broad discretion to stay proceedings as an incident to its power to control its own docket." Clinton v. Jones, 520 U.S. 681, 706 (1997). A court may exercise its discretion and grant a motion to stay upon a showing of "good cause and reasonableness." McCabe v. Foley, 233 F.R.D. 683, 685 (M.D. Fla. 2006). In evaluating a motion to stay, "the [c]ourt must take a 'preliminary peek' at the merits of a

¹ Defendant Poole represents that she is misidentified in the complaint. (Mot. to Stay, Doc. 19; Compl., Doc. 1.)

dispositive motion to see if it 'appears to be clearly meritorious and truly case dispositive.'" *Id.* (quoting Feldman v. Flood, 176 F.R.D. 651, 652 (M.D. Fla. 1997)).

Here, Plaintiff was warned that his failure to effect service within ninety days of filing the complaint could result in dismissal of the case. (Order, Doc. 3, at 1-3.) Defendant Poole shows that she has not been served with process pursuant to Federal Rule of Civil Procedure 4. (Aff. of Counsel, Doc. 18-1.) Moreover, the record contains no evidence that Defendant Dozier has been served. Accordingly, the Court finds Defendant Poole has made the requisite showing to merit a stay pending the Court's resolution of her motions to dismiss.

IT IS THEREFORE ORDERED that Defendant Poole's motion to stay (Doc. 19) is **GRANTED IN PART** and **DENIED IN PART**. Except for deadlines related to Defendant Poole's amended motion to dismiss (Doc. 18), all deadlines are hereby **STAYED** until the Court resolves Defendant Poole's pending motions to dismiss.

ORDER ENTERED at Augusta, Georgia, this 12th day of March, 2019.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA